

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER FOLTZ,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. CIV-15-1144-D
LIBERTY MUTUAL INSURANCE)	
COMPANY and COLUMBIA)	
CASUALTY COMPANY,)	
)	
Defendants.)	

**DEFENDANT, COLUMBIA CASUALTY COMPANY’S,
NOTICE OF REMOVAL**

Defendant, Columbia Casualty Company (“Columbia”), by and through its undersigned counsel, files this Notice of Removal pursuant to 28 U.S.C. §§1332, 1441, 1446, and LR 81.2 as follows:

PROCEDURAL BACKGROUND

1. On September 14, 2015, Plaintiff Christopher Foltz (“Plaintiff”) filed his Petition to initiate an action identifying Columbia as a defendant in the District Court of Oklahoma County, Oklahoma (the “State Court Action”).¹

2. On September 22, 2015, Columbia was served via service on the Oklahoma Department of Insurance seeking coverage provided by Columbia’s umbrella policy (“Columbia’s Policy”) for uninsured/underinsured coverage in an amount in excess of \$75,000.

¹ See file stamp on Plaintiff’s Petition attached as Exhibit “1”, p. 1.

3. Columbia has yet to file its Answer in the State Court Action.

4. The District Court of Oklahoma County, Oklahoma, is a state court within this judicial district.

5. Copies of all other process, pleadings and documents are attached hereto pursuant to 28 U.S.C. § 1446(a). More specifically, the documents filed in the State Court Action which are attached are as follows:

Exhibit “1” - Plaintiff’s Petition;

Exhibit “2” - State Court Docket Sheet;

Exhibit “3” - Summons issued to Columbia Casualty Company;

Exhibit “4” - Summons issued to Liberty Mutual Insurance Company;

Exhibit “5” – Entry of Appearance;

Exhibit “6” - Answer of Liberty Mutual Insurance Company.

6. After receiving Plaintiff’s Petition, Columbia has timely filed this Notice of Removal of the State Court Action. Plaintiff’s Petition serving as the basis of this removal was served upon Columbia on September 22, 2015. Columbia, therefore, has removed the State Court Action to this Court within the thirty day requirement of the removal statute. *See* 28 U.S.C. 1446(b).

BASIS FOR REMOVAL

7. This Court has original jurisdiction under 28 U.S.C. § 1332 over this civil action, and the action may be removed by Columbia pursuant to 28 U.S.C. § 1441(b), in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. Plaintiff is an individual residing in Oklahoma City, Oklahoma County, Oklahoma.²

9. Columbia is an Illinois corporation with its principle place of business in Illinois. Therefore, Columbia is a citizen of Illinois for diversity purposes.

10. Liberty Mutual is a Massachusetts corporation with its principal place of business in Massachusetts. Therefore, Liberty Mutual is a citizen of Massachusetts for diversity purposes.

11. Because Plaintiff is a citizen of Oklahoma, Columbia is a citizen of Illinois, and Liberty Mutual is a citizen of Massachusetts, complete diversity of citizenship exists among the parties.

12. Plaintiff's Petition seeks relief in excess of \$75,000 as a result of the alleged accident that is the basis of Plaintiff's Petition.

13. Since the amount in controversy exceeds \$75,000, this Court has subject matter jurisdiction under 28 U.S.C. § 1332, and removal is timely and proper.

14. Pursuant to 28 U.S.C. §1446(d), Columbia will notify the clerk of court in the State Court Action of this removal, and will give notice thereof to all adverse parties.

CONCLUSION

15. The basis for this removal and this Court's jurisdiction is diversity of citizenship pursuant to 28 U.S.C. § 1332. Plaintiff is a citizen of Oklahoma. Columbia is a citizen of Illinois. Liberty Mutual is a citizen of Massachusetts. The amount in controversy, based on the allegations in Plaintiff's Petition, exceeds \$75,000. Therefore,

² See Plaintiff's Petition, Exhibit "1", p. 1.

this removal action is proper. On these grounds, Columbia hereby removes the referenced State Court Action to this Honorable Court.

WHEREFORE, Defendant Columbia Casualty Company respectfully requests that the above-entitled action be removed from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Robert N. Naifeh, Jr.

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CERTIFICATE OF SERVICE

I do hereby certify that on this 9th day of October 2015, the forgoing *DEFENDANT, COLUMBIA CASUALTY COMPANY'S, NOTICE OF REMOVAL* has been served via U.S. Mail on the following counsel of record:

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